

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DEBORAH D. PETERSON,
Personal Representative of the Estate of
James C. Knipple (Dec.) et al.,

Plaintiffs,

v.

ISLAMIC REPUBLIC OF IRAN, et al.

Defendants.

Case No. 10 CIV 4518 (BSJ)(GWG)

DECLARATION OF DAVID M. LINDSEY

I, David M. Lindsey, hereby declare as follows:

1. I am a partner in the law firm of Chaffetz Lindsey LLP, attorneys for Defendant Bank Markazi. I am an attorney duly admitted to practice law in the State of New York, as well as in the Southern District of New York.

2. I submit this Declaration in support of Bank Markazi's Motion to Dismiss the Second Amended Complaint dated December 7, 2011 and all Cross-Claims asserted by any Third Party Respondent (as defined in the Court's November 29, 2011 Scheduling Order) in the above captioned action for lack of subject matter jurisdiction under the Foreign Sovereign Immunities Act, 28 U.S.C. §§ 1602-1611.

3. Attached hereto as Exhibit G is a true and correct copy of the following: Vernon G. Setser, *The Immunity Waiver for State-Controlled Business Enterprises in United States Commercial Treaties*, 55 PROC. AM. SOC. INT'L L. 89 (1961).

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
June 22, 2012



David M. Lindsey